



General Assembly

February Session, 2010

***Raised Bill No. 5374***

LCO No. 1480

\*01480\_\_\_\_\_HSG\*

Referred to Committee on Housing

Introduced by:  
(HSG)

***AN ACT CONCERNING PROMOTING AND SUSTAINING  
AFFORDABLE HOUSING IN CONNECTICUT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-35a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) At least once every ten years, each regional planning agency  
4 shall make a plan of conservation and development for its area of  
5 operation, showing its recommendations for the general use of the area  
6 including land use, housing, principal highways and freeways,  
7 bridges, airports, parks, playgrounds, recreational areas, schools,  
8 public institutions, public utilities, agriculture and such other matters  
9 as, in the opinion of the agency, will be beneficial to the area. Any  
10 regional plan so developed shall be based on studies of physical,  
11 social, economic and governmental conditions and trends and shall be  
12 designed to promote with the greatest efficiency and economy the  
13 coordinated development of its area of operation and the general  
14 welfare and prosperity of its people. Such plan may encourage energy-  
15 efficient patterns of development, the use of solar and other renewable  
16 forms of energy, and energy conservation. Such plan shall be designed

17 to promote abatement of the pollution of the waters and air of the  
18 region. The regional plan shall identify areas where it is feasible and  
19 prudent (1) to have compact, transit accessible, pedestrian-oriented  
20 mixed use development patterns and land reuse, and (2) to promote  
21 such development patterns and land reuse and shall note any  
22 inconsistencies with the following growth management principles: (A)  
23 Redevelopment and revitalization of regional centers and areas of  
24 mixed land uses with existing or planned physical infrastructure; (B)  
25 expansion of housing opportunities and design choices to  
26 accommodate a variety of household types and needs; (C)  
27 concentration of development around transportation nodes and along  
28 major transportation corridors to support the viability of  
29 transportation options and land reuse; (D) conservation and  
30 restoration of the natural environment, cultural and historical  
31 resources and traditional rural lands; (E) protection of environmental  
32 assets critical to public health and safety; and (F) integration of  
33 planning across all levels of government to address issues on a local,  
34 regional and state-wide basis. The plan of each region contiguous to  
35 Long Island Sound shall be designed to reduce hypoxia, pathogens,  
36 toxic contaminants and floatable debris in Long Island Sound. The  
37 plan of each region shall be designed to promote and sustain  
38 affordable housing in the region, including housing developed under  
39 section 8-30g.

40 (b) Before adopting the regional plan of conservation and  
41 development or any part thereof or amendment thereto the agency  
42 shall hold at least one public hearing thereon, notice of the time, place  
43 and subject of which shall be given in writing to the chief executive  
44 officer and planning commission, where one exists, of each member  
45 town, city or borough. Notice of the time, place and subject of such  
46 hearing shall be published once in a newspaper having a substantial  
47 circulation in the region. Such notices shall be given not more than  
48 twenty days or less than ten days before such hearing. At least sixty-  
49 five days before the public hearing the regional planning agency shall  
50 post the plan on the Internet web site of the agency, if any, and submit

51 the plan to the Secretary of the Office of Policy and Management for  
52 findings in the form of comments and recommendations. By October 1,  
53 2011, the secretary shall establish, by regulations adopted in  
54 accordance with the provisions of chapter 54, criteria for such findings  
55 which shall include procedures for a uniform review of regional plans  
56 of conservation and development to determine if a proposed regional  
57 plan of conservation and development is not inconsistent with the  
58 state plan of conservation and development and the state economic  
59 strategic plan. The regional planning agency shall note on the record  
60 any inconsistency with the state plan of conservation and development  
61 and the reasons for such inconsistency. Adoption of the plan or part  
62 thereof or amendment thereto shall be made by the affirmative vote of  
63 not less than a majority of the representatives on the agency. The plan  
64 shall be posted on the Internet web site of the agency, if any, and a  
65 copy of the plan or of any amendments thereto, signed by the  
66 chairman of the agency, shall be transmitted to the chief executive  
67 officers, the town, city or borough clerks, as the case may be, and to  
68 planning commissions, if any, in member towns, cities or boroughs,  
69 and to the Secretary of the Office of Policy and Management, or his  
70 designee. The regional planning agency shall notify the Secretary of  
71 the Office of Policy and Management of any inconsistency with the  
72 state plan of conservation and development and the reasons therefor.

73 (c) The regional planning agency shall revise the plan of  
74 conservation and development not more than three years after July 1,  
75 2005.

76 (d) The regional planning agency shall assist municipalities within  
77 its region and state agencies and may assist other public and private  
78 agencies in developing and carrying out any regional plan or plans of  
79 such regional planning agency. The regional planning agency may  
80 provide administrative, management, technical or planning assistance  
81 to municipalities within its region and other public agencies under  
82 such terms as it may determine, provided, prior to entering into an  
83 agreement for assistance to any municipality or other public agency,

84 the regional planning agency shall have adopted a policy governing  
85 such assistance. The regional planning agency may be compensated by  
86 the municipality or other public agency with which an agreement for  
87 assistance has been made for all or part of the cost of such assistance.

88 Sec. 2. Section 8-23 of the 2010 supplement to the general statutes, as  
89 amended by section 3 of public act 07-239, section 4 of public act 07-5  
90 of the June special session, section 17 of public act 08-182 and section 7  
91 of public act 09-230, is repealed and the following is substituted in lieu  
92 thereof (*Effective October 1, 2010*):

93 (a) (1) At least once every ten years, the commission shall prepare or  
94 amend and shall adopt a plan of conservation and development for the  
95 municipality. Following adoption, the commission shall regularly  
96 review and maintain such plan. The commission may adopt such  
97 geographical, functional or other amendments to the plan or parts of  
98 the plan, in accordance with the provisions of this section, as it deems  
99 necessary. The commission may, at any time, prepare, amend and  
100 adopt plans for the redevelopment and improvement of districts or  
101 neighborhoods which, in its judgment, contain special problems or  
102 opportunities or show a trend toward lower land values.

103 (2) If a plan is not amended decennially, the chief elected official of  
104 the municipality shall submit a letter to the Secretary of the Office of  
105 Policy and Management and the Commissioners of Transportation,  
106 Environmental Protection and Economic and Community  
107 Development that explains why such plan was not amended. A copy  
108 of such letter shall be included in each application by the municipality  
109 for discretionary state funding submitted to any state agency.

110 (b) On and after the first day of July following the adoption of the  
111 state Conservation and Development Policies Plan 2012-2017, in  
112 accordance with section 16a-30, a municipality that fails to comply  
113 with the requirements of subsection (a) of this section shall be  
114 ineligible for discretionary state funding unless such prohibition is  
115 expressly waived by the secretary.

116 (c) In the preparation of such plan, the commission may appoint one  
117 or more special committees to develop and make recommendations for  
118 the plan. The membership of any special committee may include:  
119 Residents of the municipality and representatives of local boards  
120 dealing with zoning, inland wetlands, conservation, recreation,  
121 education, public works, finance, redevelopment, general government  
122 and other municipal functions. In performing its duties under this  
123 section, the commission or any special committee may accept  
124 information from any source or solicit input from any organization or  
125 individual. The commission or any special committee may hold public  
126 informational meetings or organize other activities to inform residents  
127 about the process of preparing the plan.

128 (d) In preparing such plan, the commission or any special  
129 committee shall consider the following: (1) The community  
130 development action plan of the municipality, if any, (2) a plan  
131 addressing the need [for] to promote and sustain affordable housing,  
132 including housing constructed pursuant to section 8-30g, (3) the need  
133 for protection of existing and potential public surface and ground  
134 drinking water supplies, (4) the use of cluster development and other  
135 development patterns to the extent consistent with soil types, terrain  
136 and infrastructure capacity within the municipality, (5) the state plan  
137 of conservation and development adopted pursuant to chapter 297, (6)  
138 the regional plan of conservation and development adopted pursuant  
139 to section 8-35a, as amended by this act, (7) physical, social, economic  
140 and governmental conditions and trends, (8) the needs of the  
141 municipality including, but not limited to, human resources,  
142 education, health, housing, recreation, social services, public utilities,  
143 public protection, transportation and circulation and cultural and  
144 interpersonal communications, (9) the objectives of energy-efficient  
145 patterns of development, the use of solar and other renewable forms of  
146 energy and energy conservation, and (10) protection and preservation  
147 of agriculture.

148 (e) (1) Such plan of conservation and development shall (A) be a

149 statement of policies, goals and standards for the physical and  
150 economic development of the municipality, (B) provide for a system of  
151 principal thoroughfares, parkways, bridges, streets, sidewalks,  
152 multipurpose trails and other public ways as appropriate, (C) be  
153 designed to promote, with the greatest efficiency and economy, the  
154 coordinated development of the municipality and the general welfare  
155 and prosperity of its people and identify areas where it is feasible and  
156 prudent (i) to have compact, transit accessible, pedestrian-oriented  
157 mixed use development patterns and land reuse, and (ii) to promote  
158 such development patterns and land reuse, (D) recommend the most  
159 desirable use of land within the municipality for residential,  
160 recreational, commercial, industrial, conservation and other purposes  
161 and include a map showing such proposed land uses, (E) recommend  
162 the most desirable density of population in the several parts of the  
163 municipality, (F) note any inconsistencies with the following growth  
164 management principles: (i) Redevelopment and revitalization of  
165 commercial centers and areas of mixed land uses with existing or  
166 planned physical infrastructure; (ii) expansion of housing  
167 opportunities and design choices to accommodate a variety of  
168 household types and needs; (iii) concentration of development around  
169 transportation nodes and along major transportation corridors to  
170 support the viability of transportation options and land reuse; (iv)  
171 conservation and restoration of the natural environment, cultural and  
172 historical resources and existing farmlands; (v) protection of  
173 environmental assets critical to public health and safety; and (vi)  
174 integration of planning across all levels of government to address  
175 issues on a local, regional and state-wide basis, (G) make provision for  
176 the development of housing opportunities, including opportunities for  
177 multifamily dwellings, consistent with soil types, terrain and  
178 infrastructure capacity, for all residents of the municipality and the  
179 planning region in which the municipality is located, as designated by  
180 the Secretary of the Office of Policy and Management under section  
181 16a-4a, and (H) promote and sustain housing choice and economic  
182 diversity in housing, including housing for both low and moderate

183 income households, and encourage the development of housing which  
184 will meet the housing needs identified in the housing plan prepared  
185 pursuant to section 8-37t and in the housing component and the other  
186 components of the state plan of conservation and development  
187 prepared pursuant to chapter 297. In preparing such plan the  
188 commission shall consider focusing development and revitalization in  
189 areas with existing or planned physical infrastructure.

190 (2) For any municipality that is contiguous to Long Island Sound,  
191 such plan shall be (A) consistent with the municipal coastal program  
192 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
193 reasonable consideration for restoration and protection of the  
194 ecosystem and habitat of Long Island Sound, and (C) designed to  
195 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
196 Long Island Sound.

197 (f) Such plan may show the commission's and any special  
198 committee's recommendation for (1) conservation and preservation of  
199 traprock and other ridgelines, (2) airports, parks, playgrounds and  
200 other public grounds, (3) the general location, relocation and  
201 improvement of schools and other public buildings, (4) the general  
202 location and extent of public utilities and terminals, whether publicly  
203 or privately owned, for water, sewerage, light, power, transit and other  
204 purposes, (5) the extent and location of public housing projects, (6)  
205 programs for the implementation of the plan, including (A) a schedule,  
206 (B) a budget for public capital projects, (C) a program for enactment  
207 and enforcement of zoning and subdivision controls, building and  
208 housing codes and safety regulations, (D) plans for implementation  
209 and support of affordable housing, (E) plans for open space acquisition  
210 and greenways protection and development, and (F) plans for corridor  
211 management areas along limited access highways or rail lines,  
212 designated under section 16a-27, (7) proposed priority funding areas,  
213 and (8) any other recommendations as will, in the commission's or any  
214 special committee's judgment, be beneficial to the municipality. The  
215 plan may include any necessary and related maps, explanatory

216 material, photographs, charts or other pertinent data and information  
217 relative to the past, present and future trends of the municipality.

218 (g) (1) A plan of conservation and development or any part thereof  
219 or amendment thereto prepared by the commission or any special  
220 committee shall be reviewed, and may be amended, by the  
221 commission prior to scheduling at least one public hearing on  
222 adoption.

223 (2) At least sixty-five days prior to the public hearing on adoption,  
224 the commission shall submit a copy of such plan or part thereof or  
225 amendment thereto for review and comment to the legislative body or,  
226 in the case of a municipality for which the legislative body of the  
227 municipality is a town meeting or representative town meeting, to the  
228 board of selectmen. The legislative body or board of selectmen, as the  
229 case may be, may hold one or more public hearings on the plan and  
230 shall endorse or reject such entire plan or part thereof or amendment  
231 and may submit comments and recommended changes to the  
232 commission. The commission may render a decision on the plan  
233 without the report of such body or board.

234 (3) At least thirty-five days prior to the public hearing on adoption,  
235 the commission shall post the plan on the Internet web site of the  
236 municipality, if any.

237 (4) At least sixty-five days prior to the public hearing on adoption,  
238 the commission shall submit a copy of such plan or part thereof or  
239 amendment thereto to the regional planning agency for review and  
240 comment. The regional planning agency shall submit an advisory  
241 report along with its comments to the commission at or before the  
242 hearing. Such comments shall include a finding on the consistency of  
243 the plan with (A) the regional plan of conservation and development,  
244 adopted under section 8-35a, as amended by this act, (B) the state plan  
245 of conservation and development, adopted pursuant to chapter 297,  
246 and (C) the plans of conservation and development of other  
247 municipalities in the area of operation of the regional planning agency.



248 The commission may render a decision on the plan without the report  
249 of the regional planning agency.

250 (5) At least thirty-five days prior to the public hearing on adoption,  
251 the commission shall file in the office of the town clerk a copy of such  
252 plan or part thereof or amendment thereto but, in the case of a district  
253 commission, such commission shall file such information in the offices  
254 of both the district clerk and the town clerk.

255 (6) The commission shall cause to be published in a newspaper  
256 having a general circulation in the municipality, at least twice at  
257 intervals of not less than two days, the first not more than fifteen days,  
258 or less than ten days, and the last not less than two days prior to the  
259 date of each such hearing, notice of the time and place of any such  
260 public hearing. Such notice shall make reference to the filing of such  
261 draft plan in the office of the town clerk, or both the district clerk and  
262 the town clerk, as the case may be.

263 (h) (1) After completion of the public hearing, the commission may  
264 revise the plan and may adopt the plan or any part thereof or  
265 amendment thereto by a single resolution or may, by successive  
266 resolutions, adopt parts of the plan and amendments thereto.

267 (2) Any plan, section of a plan or recommendation in the plan that is  
268 not endorsed in the report of the legislative body or, in the case of a  
269 municipality for which the legislative body is a town meeting or  
270 representative town meeting, by the board of selectmen, of the  
271 municipality may only be adopted by the commission by a vote of not  
272 less than two-thirds of all the members of the commission.

273 (3) Upon adoption by the commission, any plan or part thereof or  
274 amendment thereto shall become effective at a time established by the  
275 commission, provided notice thereof shall be published in a  
276 newspaper having a general circulation in the municipality prior to  
277 such effective date.

278 (4) Not more than thirty days after adoption, any plan or part  
279 thereof or amendment thereto shall be posted on the Internet web site  
280 of the municipality, if any, and shall be filed in the office of the town  
281 clerk, except that, if it is a district plan or amendment, it shall be filed  
282 in the offices of both the district and town clerks.

283 (5) Not more than sixty days after adoption of the plan, the  
284 commission shall submit a copy of the plan to the Secretary of the  
285 Office of Policy and Management and shall include with such copy a  
286 description of any inconsistency between the plan adopted by the  
287 commission and the state plan of conservation and development and  
288 the reasons therefor.

289 (i) Any owner or tenant, or authorized agent of such owner or  
290 tenant, of real property or buildings thereon located in the  
291 municipality may submit a proposal to the commission requesting a  
292 change to the plan of conservation and development. Such proposal  
293 shall be submitted in writing and on a form prescribed by the  
294 commission. Notwithstanding the provisions of subsection (a) of  
295 section 8-7d, the commission shall review and may approve, modify  
296 and approve or reject the proposal in accordance with the provisions of  
297 subsection (g) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	8-35a
Sec. 2	<i>October 1, 2010</i>	8-23

***Statement of Purpose:***

To require regional and local plans of conservation and development to include plans to promote and sustain affordable housing.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*